

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2000-0144-T - ORDER NO. 2000-722

AUGUST 31, 2000

IN RE: Application of Lowcountry Transfer, Inc.,)
125 Cordillo Pkwy., #10, Hilton Head Island,)
SC 29928 (Mailing Address: P. O. Box 7774,)
Hilton Head Island, SC 29938), for a Class E)
Certificate of Public Convenience and)
Necessity.)

w.d.j.

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Lowcountry Transfer, Inc., 125 Cordillo Pkwy., #10, Hilton Head Island, SC 29928 (Lowcountry or the Company) for a Class E Certificate of Public Convenience and Necessity to transport household goods as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in Beaufort and Jasper Counties, SC.

The Commission's Executive Director instructed Lowcountry to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. A Petition to Intervene was received from Chavis Moving & Storage Company, Inc.

A hearing on the Application of Lowcountry was scheduled for August 24, 2000 at 2:30 PM in the Commission's Hearing Room. The Honorable William Saunders, Chairman, presided. Michael A. Brock, President of Lowcountry, appeared on behalf of

the Company. The Intervenor did not appear at the hearing. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented no witnesses.

It was duly noted that, since the Company was asking for authority for fewer than three contiguous counties in South Carolina, this Commission will waive the "shipper witness" requirement in this case.

Michael A. Brock, President of Lowcountry, testified. Brock noted that he now moves goods from stores to homes. On one such trip, Officer Hinson of the Commission's Transportation Department stopped him, and the two proceeded to have a discussion about the certification requirements for the transportation of household goods in South Carolina. Although Officer Hinson apparently determined that Brock's movement that day was legal, Brock became interested in the private movement of household goods for hire. In his duties as an express mover paid by the various stores, Brock has been approached to move household goods privately, by persons who could not find another mover. He testified that he has not done so, since he did not have the proper Commission authority. Brock testified as to the tremendous growth seen in the Beaufort and Jasper County area.

Brock states that he has had experience in the moving industry in the past. He has no judgments against his Company. He does not presently have a vehicle for the movement of household goods, but presented this Commission with a proposal for a vehicle from a dealership. Brock also presented evidence from a bank that he will have the capital available to purchase the vehicle, and demonstrated that he was familiar with the Commission's insurance requirements. Further, Brock presented this Commission

with a business plan for his proposed moving company. Brock noted that he had help lined up for his business, including his wife, and a number of able-bodied men in the Hilton Head area. Brock also states that his niche market would be the smaller household goods moves. Brock demonstrated that he was familiar with the Commission's rules and regulations.

S.C. Code Ann. Section 58-23-590(C)(Supp. 1999) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the Applicant, Lowcountry Transfer, Inc. has demonstrated that it is fit, willing, and able under the standards contained in 26 S.C. Regs. 103-133. Further, we find that the testimony of Mr. Brock indicates that the proposed service is required by the present public convenience and necessity.

Based upon the record before this Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the Application, and therefore grant authority to Lowcountry Transfer, Inc. a Class E Certificate of Public Convenience and Necessity for the movement of household goods as defined in R. 103-210 (1) between points and places in Beaufort and

Jasper Counties, SC. This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

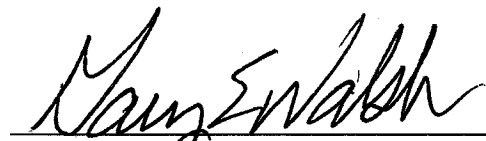
1. The application of Lowcountry Transfer, Inc. for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Beaufort and Jasper Counties, SC.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier service granted herein.
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)